LABORATORY CERTIFICATION STANDARDS REVIEW COUNCIL
MEETING MINUTES FROM 4/9/97

Attendance

Staff: Jack Sullivan, Mike Kvitrud, Donalea Dinsmore, Rick Mealy, Alfredo Sotomayor, John Condron, Ron Arneson, Diane Drinkman and Greg Pils

Council Members: Mary Christie, David Kollakowsky, Ruth Klee Marx, Bill Sonzogni, Gilbert Williams and John Moser

Guests: Barb Burmeister (SLH), Laura Forst (DATCP), Paul Harris (Davy Labs)

Agenda Items

I. Council membership
   A. The Lt. Governor recommended that the Certification Standards Review Council remain in existence with one change in the Statutory language broadening the "farmer actively engaged in livestock" representative, still keeping it in the agri-business trade.
   B. The recommended statutory changes are in joint-finance and may be attached to the governor's budget. They will go out for comment at public hearings to be announced later.
      1. Certified commercial laboratories are looking into increasing their representation on the Council. They feel the Council is biased towards registered labs and would like both a small and a large commercial laboratory representative.
      2. Jack will find a contact name for Mary relating to the statute change.
   C. Mary Christie was nominated for Council Chair by John Moser, seconded by Bill Sonzogni and voted in unanimously.
   D. Gilbert Williams was nominated for Council Vice Chair by Bill Sonzogni, seconded by David Kollakowsky and voted in unanimously.

II. Laboratory Certification Program updates
   A. The 2 new auditors were introduced:
      1. Diane Drinkman
      2. Greg Pils
   B. The Natural Resources Board approved the fiscal year (FY) 1998 Laboratory Certification (LabCert) budget and fees.
      1. The LabCert Program decided to hold its revenue constant next fiscal year and not go for the fee increase to the full spending authority ($469 K)* as the Council approved at the last meeting. Instead it will collect an estimated $451 K*.
      2. The fees will increase from $35/RVU to $37.50/RVU because the number of laboratories in the Program decreased.
      3. The LabCert Program will still need a one-time fee increase in the future to cover the conversion of the computer system used to track laboratories. The current software will soon be unsupported and there is an estimated cost of $35-50 K to convert to the new supported software.
   C. Distributing audits between applying labs, the backlog and revisits will continue to keep the auditors busy. At the current staffing level the LabCert Program has projected it will eliminate the audit backlog by the year 2003. The central office is responsible for 183* labs. Approximately 18 labs in the Program have not been audited yet and _ of those are solid/hazardous waste labs for solvent recyclers, TSDs, etc. Approximately 22 labs are in a "grey area" where they have had an audit, but either the report has not been issued, the audit has not been resolved, or the enforcement case has not been closed.
      1. A Council member suggested that the LabCert Program should consider an abbreviated audit to catch up on the backlog and then go to the normal auditing procedures. The Program was uncomfortable with that because it needs to treat all laboratories the same. Creating a two-tiered audit system would contradict that.
      2. Several Council members mentioned that the cost of certification was not as important as getting an audit every 3 years. Their representatives would be willing to pay more for receiving timely

* This information has been updated since the Council meeting.

audits.

3. A motion was made for the LabCert Program to continue its current approach of eliminating the backlog, but was left open until the NELAC presentation was heard. After the NELAC presentation, the motion was seconded and unanimously carried with the following understanding:
   a. To eliminate the backlog more quickly, the Program would need more auditors.
   b. Within a year, NELAP may change the way the LabCert Program has to do business anyway.

D. Proposed FY 1998 regional (small registered labs) management plan.

1. In January 1997, a memo outlining the proposed regional responsibility map was sent to regional directors. Since then the Central Office has met formally with South Central Region (SCR), had a conference call with Northern Region (NOR) staff and had telephone conversations with Northeast Region (NER) staff and their Basin Team Leader.
2. Based on input, the LabCert Program has re-evaluated the proposal and revised the proposed map to more closely follow the regional boundaries. The revised proposal still provides coverage assistance from the Central Office for South Central and Northeast Regions.
3. Regional certification staffing summary:

Region	NOR	NER	SER	SCR	WCR	CO
Position Type	Full FTE	Full FTE	Half LTE	Half LTE	Half FTE	Full FTE
Time Commitment to Auditing	20%	22%	100%	100%	100%	25%
Number of Labs Assigned	39	44	70	65	95	48
Expected Audits/Year	13	15	23	22	32	16

E. The Lab of the Year Award

1. Medford was the Small Registered Lab of the Year. Medford was committed to producing high quality data through quality assurance measures such as regular double-checking of results and simulated effluent sample problems.
2. Wisconsin Power & Light - Edgewater Station was the Large Registered Lab of the Year. The Edgewater lab has been on the forefront of Hexane Extractable Materials (HEM) method development by doing side by side comparisons of HEM and the Freon Oil & Grease method.
3. Several council members suggested the results of Edgewater's side by side study be published or shared with other labs.

III. Update on the Nitrate Variance Request

A. The State Lab of Hygiene (SLH) and the WI DNR feel that preserving drinking water nitrate samples by acidification and/or cooling to 4º C is costly and unnecessary. The SLH and WI DNR have studies which substantiate this conclusion and are currently in the process of polling other states to gather more information or studies to further justify the variance.

B. The EPA - Region 5 has denied the variance request for all Wisconsin labs concerning the preservation of nitrate in drinking water and will not consider doing a risk-based assessment at this time.

C. Some council members and a guest suggested that the lab community may be willing to pitch in some money for a risk assessment if a lack of funds was holding up the process. Jack then suggested and all parties concluded that we first need EPA to agree that a risk assessment should be done before any funds are used.

* This information has been updated since the Council meeting.

IV. Update on Emerging Technologies

A. The Department is using low level mercury analysis as the pilot for the emerging technologies section of NR 149. New methodology which can reliably analyze for and detect low levels of mercury is being evaluated based on its performance.

B. If a lab's method can meet the performance criteria, then the lab receives a letter of approval from the Department. Once approved, the lab's method becomes a legal method for mercury analysis in Wisconsin.

C. Seven* labs have applied for the mercury emerging technology approval thus far. Two of those are using approved existing methods to achieve lower detection limits. If those two labs meet the performance criteria, they will be recognized as low level mercury labs, but do not need the emerging technology approval since they are already using approved methodology.

V. National Environmental Laboratory Accreditation Conference (NELAC) Presentation

A. The goal of the National Program is to develop consensus standards for laboratory accreditation which will allow a lab accredited by one state to do work in another state through automatic reciprocity.

B. NELAC is a gathering of committees which set the standards for the National Accred itation Program. These standards are voted on by the House of Representatives (where every state has a single voting representative) and the House of Delegates (where any state or federal regulators present may vote). The standards must pass through both Houses to be approved. Wisconsin has representatives in both of the Houses.

C. The NELAC standards are more strict in some areas and more lax in other areas when compared to Wisconsin regulations. The proposed NELAC standards can be found at the following internet address: "*http://134.67.104.12/html/nelac/nelac.htm*".

D. The National Program will not regulate accreditation fees. This will be left up to the individual states who may charge either certification or reciprocity fees.

1. Labs may have to pay certification fees in every state they do business in and the states' fees may go up. The cost savings for a lab would be in receiving an audit from and doing PE samples for only one state.

E. The national standards, once approved, will be voluntarily adopted on a state by state basis.

F. In order for a state program to become a NELAP approved accrediting authority, it must first be inspected by EPA.

G. The first state accreditation program is scheduled to be NELAP approved by the fall of 1998.

H. The Council wanted to know when Wisconsin would have to apply if it wanted to be NELAP approved.

1. States may apply at any time after the standards are approved.
2. States have 2 years to complete changes to their rules and statutes, train the auditors and fully implement the NELAP standards once they apply.

I. The Council wanted to know how enforcement would be handled in the National Program.

1. Enforcement authority would be retained by the states. However, there would be a national database which would let other states know if a lab was issued some enforcement action by the "home" state.

J. The Council requested that the LabCert Program remain active in NELAC.

VI. The List of Common Deficiencies

A. The LabCert Program has created a fictitious audit report containing the most common deficiencies the auditors see in labs. This serves two purposes: to let labs become familiar with how reports are written and to inform labs of the most common deficiencies the Program finds.

B. The Council members thought it was very useful for labs to have.

C. A Council member wanted to know if all of the items cited were laboratory deficiencies.

1. Are improperly filled out chain of custodies a lab deficiency?
   a. If the lab took the sample or if the lab does not indicate the problem on the results then the LabCert Program considers this a lab deficiency.

D. A Council member suggested that the parts pertaining to a small wastewater treatment plant lab (BOD, TSS, etc.) be separated into a smaller (1 page) document which could be posted in the lab for the analysts.

E. A Council member requested that deficiencies be an on-going point of discussion for the Council.

F. The Council inquired how the Program was going to distribute the List of Common Deficiencies.

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1. The Council members may distribute the document, as well as other organizations such as WLA, WELA, and MEG.
2. The LabCert Program will be publishing the list on the internet at: "*http://www.dnr.state.wi.us/eq/lc/*" and will mail them upon request.

G. The next step will be to create a document which would address the deficiencies cited in the report. The purpose of this is would be to inform laboratories of what actions can be taken to correct their own deficiencies and how to communicate these actions to the Department.

VII. Discussion of Criteria for Issuing NON's and NOV's

A. The LabCert Program prepared an outline for an informational paper about enforcement.
   1. The Department understands the consequence of enforcement actions on a laboratory.
   2. Enforcement is used as a tool to gain compliance.
   3. Enforcement cannot be issued according to a numerical formula. The Department instead considers deficiencies qualitatively and after factoring in modifying conditions such as the frequency and breadth of a deficiencies, decides on a specific enforcement action.
   4. The information paper would include samples describing enforcement actions and the rationale behind them.

D. The Council requested that the Program continue to work on the informational paper about the Department's enforcement policy and process.

E. The Council suggested that the Program publicize the following items because labs may have misconceptions of auditors working without oversight.
   1. The audit reports are reviewed by other auditors.
   2. NOVs can not be issued by an auditor without consulting both laboratory certification staff and the DNR's enforcement specialists.

VIII. Future Meeting Date

A. The next LabCert Standards Review Council meeting was tentatively set for Thursday, August 14, 1997.

B. The LabCert Program will work Mary and Gilbert to set up the next meeting.

C. The Council members should contact Mary and Gilbert for getting items on the next meeting's agenda.

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